

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

KERNELIUS MARQUIS SHEPHERD, SR. §

VS. § CIVIL ACTION NO. 1:23cv397

TDCJ, ET AL. §

MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Kernelius Marquis Shepherd, Sr., an inmate at the Stiles Unit, proceeding *pro se*, brought this civil rights suit pursuant to 42 U.S.C. § 1983.

The Court referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The magistrate judge recommends dismissing this action without prejudice for want of prosecution.

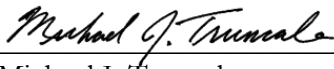
The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. A copy of the Report and Recommendation was mailed to Plaintiff at the address provided to the Court. Plaintiff acknowledged receipt of the Report on April 18, 2024. No objections to the Report and Recommendation of United States Magistrate Judge have been filed.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the Report and Recommendation of Magistrate Judge is ADOPTED. A separate

Final Judgment will be entered in this case in accordance with the magistrate judge's recommendations. The dismissal of this action is without prejudice to plaintiff's ability to reinstate the above-styled action on the court's active docket by paying the filing fee or submitting a proper Application to Proceed *In Forma Pauperis* within thirty days from the date set forth below.

SIGNED this 16th day of August, 2024.

A handwritten signature in black ink, reading "Michael J. Truncala", is written over a horizontal line.

Michael J. Truncala
United States District Judge